


# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Cal 89102	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/EP2005/000111	International filing date (day/month/year) 06.01.2005	Priority date (day/month/year) 13.01.2004	
International Patent Classification (IPC) or national classification and IPC F16K31/04			
Applicant DRESSER ITALIA S.R.L. et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  11.11.2005		Date of completion of this report  21.12.2005	
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Rusanu, I  Telephone No. +49 89 2399-7280	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**International application No.  
PCT/EP2005/000111**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☒ This report is based on translations from the original language into the following language english, which is the language of a translation furnished for the purposes of:
- ☒ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-12 as originally filed

**Claims, Numbers**

1-9 received on 11.11.2005 with letter of 10.11.2005

**Drawings, Sheets**

1/5-5/5 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	3,5
	No: Claims	1,2,4,6-9
Inventive step (IS)	Yes: Claims	3
	No: Claims	5
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

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**see separate sheet**

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**Re Item V.**

Reference is made to the following documents:

D1: US 6 595 487

D2: GB 2 198 766

D3: US 5 166 677

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references applying to this document): a submarine actuator 1 for the actuation of a submarine device 2 comprising a container body (20, 21) (fig. 1, 2 and column 6, lines 16-18 and 36-44) from which a drive shaft 3 projects that is suitable for inserting in a seat of said submarine device and suitable, through its rotation, for actuating said submarine device, said shaft being moved by at least one electric motor (7, 8) arranged inside said container body and actuated by an electric control signal generated by a remote control station (wires 15, 16 and column 5, lines 57-60). D1 also shows a box-shaped element 21 (fig. 2) inside which are arranged the motors and the drive shaft. Furthermore, D1 discloses at column 7, lines 1-5 that the two electronic control units are enclosed either in separate modules or in a single module. The wording "substantially cylindrical" in claim 1 is irrelevant as regarding the technical meaning of said module. The geometrical form of a container is not considered a distinctive feature above prior art. Moreover, a cylindrical form for a submarine container would be general common knowledge, as it is well known in the art that this confers better distribution of pressure under water.

Also document D3 discloses a box-shaped element 13 for the motor and shaft and a container 12 for the electronic control board.

Dependent claims 2, 4-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3 and the corresponding passages cited in the search report.

The combination of the features of dependent claim 3 is neither known from, nor rendered

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obvious by, the available prior art. The reasons are as follows: none of the prior art documents discloses a pressurized container for the electronic part.

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